



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

MAR 19 2014

CERTIFIED MAIL NO. 7009 3410 0001 1484 0381

RETURN RECEIPT REQUESTED

Ms. BJ Leithead Todd
Director, Department of Environmental Management
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

RE: Information Request Pursuant to Section 114 of the Clean Air Act

Dear Ms. Leithead Todd:

The United States Environmental Protection Agency, Region 9 ("EPA") hereby requires the County of Hawaii ("County") to provide certain information as part of an EPA investigation to determine the Clean Air Act ("CAA" or the "Act") compliance status of the South Hilo Sanitary Landfill ("Landfill") located in Hilo, Hawaii. This letter is a follow-up to an earlier information request ("the 2010 Information Request"), dated March 9, 2010.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such other information as he or she may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA and this information request, to provide responses to the following requests for information regarding the Landfill. Please see Enclosure 1 for instructions.

1. A calculation of the total amount of solid waste the Landfill has accepted during the life of the Landfill, broken down by year, to present. Please provide the calculation and a brief justification and supporting documentation for the inputs employed. We note that the County failed to provide this information which EPA requested as question 6 in the 2010 Information Request.
2. The year the Landfill began accepting waste.
3. Waste acceptance records for 2009-2013 totaled by year. These records shall include, but are not limited to, weight tickets and records of tipping fees. Please provide an estimate of the number of pages of waste acceptance records prior to 2012, totaled by year, dating back to the year the Landfill began accepting waste.
4. The yearly totals of Landfill disposal fees collected and deposited into the Solid Waste Fund.
5. The compaction rate(s) at the Landfill for each year in operation. Please provide the calculation and a brief justification and supporting documentation for the inputs employed.

6. The average waste-to-soil ratio at the Landfill for each year in operation. Please provide the calculation and a brief justification and supporting documentation for the inputs employed.
7. Records of the daily and intermediate soil placed on Landfill, including all Daily Landfill Operations Records, for each year in operation.
8. A copy of the Landfill's current solid waste permit.

If the County seeks to withhold any documents based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, provide a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including any business purposes, for which the document was made; (v) the question(s) in this information request that the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

EPA requires the County to postmark its full response to this information request no later than thirty (30) calendar days after receipt of this letter. Please submit your response to this information request to:

Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

ATTN: Charles Aldred (ENF-2-1)

The response to this information request must be certified by a duly authorized officer or agent of the County by signing the enclosed Statement of Certification (see Enclosure 2) and returning it with the response. All information submitted in response to this information request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of the County.

If you anticipate not being able to respond fully to this information request within the time period specified, you must submit a statement by a responsible corporate official within twenty (20) calendar days after your receipt of this letter specifying what information will be provided within the time specified, describing what efforts have been/are being made to obtain other responsive information and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based upon such declaration, EPA may extend the time in which responsive information must be provided. Based upon such notification, EPA may modify the scope of documents required to be produced.

Please be advised that under Section 113(a) of the Act, failure to provide the information required by this letter may result in an Order requiring compliance, an Order assessing an administrative penalty, or a civil action for appropriate relief. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false statements or omission in any response required under the Act. EPA may also seek criminal penalties from any person who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of EPA or in relation to or contemplation of any such matter or case. See 18 U.S.C. § 1519 (2004). The information provided by you may be used by the United States in administrative, civil, or criminal proceedings.

You may, if you desire, assert a business confidentiality claim on behalf of the County covering part or all of the information provided to EPA in response to this letter. Any such claim to confidentiality must conform to the requirements set forth in 40 C.F.R. part 2, especially 40 C.F.R. § 2.203. You are advised that certain information may be made available to the public pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to the County.

The requirements of this letter are not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*

If you have any questions regarding this information request, please contact Charles Aldred of my staff at (415) 972-3986, or have your attorney contact Brian Riedel of our Office of Regional Counsel at (415) 972-3924.

Sincerely,



Kathleen H. Johnson
Director, Enforcement Division

Enclosures: Instructions
Statement of Certification

cc: Jill Stensrud, Hawaii DOH

ENCLOSURE 1

INSTRUCTIONS

1. Provide a separate narrative response to each numbered paragraph of a numbered paragraph set forth in this information request. To the extent that the County has no responsive information or documents for any particular request, this must be explicitly stated in the response.
2. Precede each answer with the number of the paragraph to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that paragraph, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the paragraph to which it corresponds. To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
6. Provide all documents electronically, in searchable PDF form or Microsoft Excel format where requested. No hard copy is necessary.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, correct, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fine or imprisonment.

Date: _____

Signature: _____

Name (printed or typed): _____

Title: _____